II. REMARKS

A. Status of Claims

Claims 1, 18, 41, 49, 57, 71, and 72 have been amended without prejudice. Support for the amendments can be found, e.g., in paragraph [0017] on page 5 of the specification as filed.

New claim 73 has been added. Support for new claim 73 can be found, e.g., in paragraph [0051] on page 14 of the specification as filed.

Claims 28-40 and 60-70 were previously canceled without prejudice.

Claims 1-27, 41-59, 71, and 73 are pending in this application.

Applicants respectfully submit that no new matter has been added by virtue of these amendments.

B. Claim Rejections- 35 U.S.C. § 103

In the Office Action, claims 1-27, 41-59, 71, and 72 were rejected under 35 U.S.C. §103(a) on the grounds of obviousness over U.S. Patent Application Publication No. 2003/0196098 to Dickinson, III et al. in view of U.S. Patent No. 6,760,752 to Liu et al.

The rejection is respectfully traversed. However, to advance prosecution and further differentiate the present claims over the cited references, independent claims 1, 18, 41, 49, 57, 71 and 72 have been amended without prejudice to recite that privileged attributes and/or executable modules are attached to communications when the communications are created. Independent claims 1, 18, 41, 49, and 57 have been further amended without prejudice to recite that the privileged distribution lists are created and/or associated with the recited communications when the communications are created.

The cited references do not suggest creation and/or association of the privileged distribution lists of at least one intended recipient with the communications at the time of creation of the communications as recited in independent claims 1, 18, 41, 49, and 57.

In response, to the Examiner's statement that Dickinson teaches "creat[ing] a privileged distribution list of at least one intended recipient" in paragraph [0022-0023], Applicants respectfully note that in Dickinson the purported lists (i.e., lists 302, 306 and 308) are lists of sender/recipient <u>policies</u>, rather than lists of at lest one intended <u>recipient</u> as recited in the present claims. Applicants further note that the purported lists in Dickinson are build <u>after</u> "[p]olicy engine 204 accepts messages from SMTP relay module 202," and therefore the purported lists are <u>not</u> build when the communications are created as recited in the present claims.

Further, the cited references do not suggest attaching a privileged attribute and/or executable module to communications when the communications are created as recited in independent claims 1, 18, 41, 49, 57, 71 and 72.

In response, to the Examiner's statement that Dickinson teaches "attach[ing] a privileged attribute to a digital communication" in paragraphs [0023], [0025] and [0030-0031], Applicants respectfully note the enforced policies described in Dickinson are part of the e-mail firewall and are "entered by an administrator" of the firewall. These policies are enforced <u>after</u> "messages are received by the SMTP relay module," and therefore do not read on the claimed programs which attach privileged attributes and/or modules to communications when the communications are created.

Moreover, the cited references do not suggest restricting access and/or routing of the communications according to the privileged distribution list at least one intended recipient created and/or associated with the communications at the time of creation of the communications as recited in independent claims 1, 18, 41, 49, and 57.

In response to the Examiner statement that Liu "discloses a second memory that restricts access and routing of the encrypted/confidential communication (see col. 2 lines 62-67; col. 3

lines 35-52)," Applicants respectfully note that the disclosure in col. 2, lies 62-67 of Liu (i.e., "[t]he method can include attaching a random number to the E-mail message prior to transferring where the forwarding is operable to verify the random number is valid based on a predetermined criterion, and if not, will not forward the E-mail message the purported restriction") does not read on the presently claimed restricting access and/or routing of the communications, as the cited portions of Liu do not recite a list of at least one intended recipient, let along suggest restricting access and/or routing of the communications according to the privileged distribution list at least one intended recipient created and/or associated with the communications at the time of creation of the communications.

For the foregoing reasons, it is respectfully submitted that the combination of the cited references does not render the presently claimed invention obvious. Withdrawal of the rejection is therefore respectfully requested.

III. Conclusion

Reconsideration of the present application is respectfully requested. If, upon review, the Examiner is unable to issue an immediate Notice of Allowance, the Examiner is respectfully requested to telephone Applicant's undersigned attorney at the number set forth below in order to resolve any outstanding issues and advance the prosecution of the case.

An early and favorable action on the merits is earnestly solicited.

Respectfully submitted,
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